

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Bankruptcy No. 19-22280-CMB	
	:		
MARK PANCARI, and	:		
CATHLEEN PANCARI,	:		
Debtor(s).	:	Chapter 13	
	:		
MARK PANCARI, and	:		
CATHLEEN PANCARI,	:	Doc No.	
Movant(s),	:		
	:	Related to Doc. Nos. 114, 116	& 128
vs.	:		
	:		
CREDITO REAL USA FINANCE	:		
LLC, PRESTIGE AUTO MALL, and	:		
RONDA WINNECOUR, Trustee	:		
Respondents.	:		

STIPULATION AND AGREEMENT

It is hereby stipulated by and among Brian C. Nicholas, Esquire, counsel for Respondent Credito Real USA Finance, LLC, and Pete Neuman, Director of Operations for Respondent Prestige Auto Mall, and Joseph F. Nicotero, Esquire, counsel for Movants Mark Pancari and Cathleen Pancari, as follows:

1. On August 17, 2020, at Docket Number 81, this Court issued an Order granting Movants, Mark Pancari and Cathleen Pancari, the ability to finance a vehicle through an amended plan.
2. Movants provided the Court Order to Respondent Prestige Auto Mall (hereinafter "Prestige") and subsequently signed documents at that dealership to purchase a vehicle. Prestige offered to sell the retail installment contract to Credito Real USA Finance, LLC (hereinafter "Credito"). Credito declined to purchase the loan.
3. After taking possession of the vehicle, Movants filed a Report of Financing on September 9, 2020, at Docket Number 85. Movants filed an Amended Plan dated September 17, 2020 incorporating monthly payments for the vehicle.

4. Respondent Prestige later contacted Movants and requested return of the vehicle. Prestige explained that due to a misunderstanding, Respondent Credito had declined to accept the financing.

5. Due to the misunderstanding, Movants have been unable to use the vehicle in question since the original purchase. They have made regular monthly payments to the Trustee since the filing of the Report of Financing. The Trustee is currently holding the vehicle payments on reserve pending the outcome of this Motion for Contempt.

6. Without any party admitting to liability and in an effort to resolve this dispute amicably without the need of further litigation, the parties hereto stipulate and agree that::

a. Respondent Prestige will cause Movants' information to be re-submitted to Credito for approval of the financing of the vehicle, and

b. Credito will finance Movants vehicle under the original terms of the contract as per the Report of Financing filed with the Court September 9, 2020, and

c. Prestige will transfer the title to the vehicle to Movants with a lien in favor of Credito, and

d. Credito and Prestige will each contribute Twenty-Five Hundred Dollars (\$2,500.00) towards the settlement of these claims, to be distributed as follows:

I. Credito and Prestige shall each issue one check each in the amount of \$2,500 payable to Rice and Associates Attorney Trust Account within 30 days of receipt of the entered Consent Order and a fully executed W9. The checks shall be mailed care of Rice & Associates at 15 West Beau Street, Washington, PA 15301, and

e. The Trustee shall immediately distribute all funds held on reserve for the vehicle payments to Credito, as listed in the confirmed Amended Plan dated September 17, 2020, and

f. Counsel for Movants shall amend the Petition and Schedules in the underlying bankruptcy to exempt the \$2,500.00 asset to be received by the Movants as a result of this Stipulation,

and

g. Counsel for Movants will not be required to amend the confirmed Plan dated September 17, 2020, and

h. The Chapter 13 Trustee does not object to the settlement and reserves all rights to object to any exemption in the payment(s) to the Debtors.

i. This agreement shall govern as to all claims between the parties which are the subject matter of this Motion and this Motion should be closed as settled by the parties.

Rice & Associates Law Firm

BY: /s/Joseph F. Nicotero
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Credito Real USA Finance, LLC

BY: /s/ Brian C. Nicholas
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Prestige Auto Mall

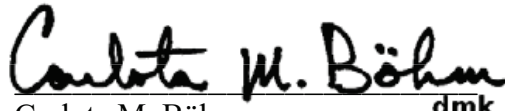
BY: /s/ Pete Neuman
Pete Neuman
Director of Operations
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330-604-8090

Office of the Chapter 13 Trustee

BY: /s/ Owen Katz
Owen Katz, Staff Attorney
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Pittsburgh, PA 15219
412-471-5566 x3124

APPROVED BY THE COURT THIS 14th DAY OF September, 2021.

FILED
9/14/21 8:30 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA


Carlota M. Böhm dmk
Chief United States Bankruptcy Court Judge

In re:
Mark A. Pancari
Cathleen L Pancari
Debtors

Case No. 19-22280-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 14, 2021

User: dsaw
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 16, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Mark A. Pancari, Cathleen L Pancari, 1160 Cross Creek Road, Burgettstown, PA 15021-2402

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 16, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 14, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Respondent Credito Real USA Finance LLC bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor DITECH FINANCIAL LLC bnicholas@kmlawgroup.com
David A. Rice	on behalf of Debtor Mark A. Pancari ricelaw1@verizon.net lowdenscott@gmail.com
David A. Rice	on behalf of Joint Debtor Cathleen L Pancari ricelaw1@verizon.net lowdenscott@gmail.com
Joseph F. Nicotero	on behalf of Joint Debtor Cathleen L Pancari niclowlgl@comcast.net
Joseph F. Nicotero	

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Page 2 of 2

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on behalf of Debtor Mark A. Pancari niclowlgl@comcast.net

Maria Miksich

on behalf of Creditor Credito Real mmiksich@kmlawgroup.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

Scott R. Lowden

on behalf of Joint Debtor Cathleen L Pancari niclowlgl@comcast.net

Scott R. Lowden

on behalf of Debtor Mark A. Pancari niclowlgl@comcast.net

TOTAL: 11